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SUPREME COURT OF THE UNITED STATES

No. _____

BERNARD BOWSER,

Petitioner

vs.

THE COMMONWEALTH OF VIRGINIA,

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

To The Chief Justice and the Associate Justices of the Supreme Court of the United States:

Your petitioner, Bernard Bowser, hereby petitions for a Writ of Certiorari to review the decision of the Virginia Supreme Court made on December 19, 1972, in which the conviction of the said petitioner, Bernard Bowser, by the Court of Hustings of the City of Portsmouth was essentially affirmed by the denial of a Writ of Error filed by petitioner.

OPINIONS BELOW

There was no opinion from the Supreme Court of Virginia inasmuch as the State of Virginia is a Writ of Error state and because the Writ was denied. No explanation or opinion was rendered by the Court.

Rulings on motions from the Court of Hustings for the City of Portsmouth, Virginia, are appended hereto in the Appendix.

JURISDICTION

The order sought to be reviewed was made and entered on December 19, 1972. No petition for reconsideration was made nor was there any extension granted to file this Petition for Certiorari. The statutory provision believed to confer jurisdiction on this court to review the judgment in question is 28 USC Section 1257 (3).

QUESTIONS PRESENTED FOR REVIEW

I. Was the denial of the Writ of Error filed by your petitioner, in essence, a refusal of his appeal and right to review as guaranteed to him by the Fourteenth Amendment of the Constitution of the United States and grounds for a reversal of the conviction below.

II. Was the affidavit on which the search warrant was based in this case improperly executed before a Justice of the Peace and did the Court in failing to suppress the evidence result in a violation of the petitioner's right under the Fourth Amendment of the Constitution of the United States and thereby establish grounds for reversal of the conviction below.

STATUTES INVOLVED

United States Constitution, Amendments to the Constitution, Amendment Four.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized." (emphasis added)

United States Constitution, Amendments to the Constitution, Amendment Fourteen.

Section 1: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Code of Virginia, 1950, as amended, Section 19.1-282

WHEN WRIT OF ERROR LIES IN CRIMINAL CASE FOR ACCUSED; WHEN FOR COMMONWEALTH; WHEN FOR CITY OR TOWN. ---

A writ of error shall lie in a criminal case to the judgment of a circuit court or the judge thereof, or of a corporation court, or of a hustings court, from the Supreme Court of Appeals. It shall lie in any such case for the

accused and if the case be for the violation of any law relating to the State revenue it shall lie also for the Commonwealth. And a writ of error...."

STATEMENT OF FACTS

On July 6, 1971 at approximately 3 A.M., Detective C. D. McCargo prepared and typed an affidavit for a search warrant and a search warrant in the vice squad office at police headquarters for the search of the premises located at 2318 South Street, Apt. 2, Portsmouth, Virginia. (T. p. 17 and 14) No Justice of the Peace was present when these documents were typed but a Justice of the Peace was in his office downstairs in the building. (T. p. 18) Detective McCargo took the documents downstairs to Mr. Doxey, a Justice of the Peace and handed them to him. He read them and asked Detective McCargo to raise his right hand and swear to the material contained therein which he did. (T. p. 18) In the presence of the Justice of the Peace, Detective McCargo signed the affidavit and the Justice of the Peace executed the warrant and the affidavit. (T. p. 18) Detective McCargo was unable to relate exactly what conversation took place between him and the Justice of the Peace at the time. (T. p. 19) At the time, Detective McCargo typed the affidavit, he typed in the time as 3:00 A.M. which was the approximate time of the typing and he then took the documents down to the Justice of the Peace and it was executed by the Justice of the Peace some time after 3:00 A.M. (T. p. 21) The search warrant authorized a search for narcotics but did not specify what type of narcotics were

being searched for. (T. p. 21) The object to be searched for was not typed into the warrant but was included in the printing of a printed form. (T. p. 22)

A group of Portsmouth detectives arrived at 2318 South Street, Portsmouth, Virginia, at approximately 3:15 A.M. (T. p. 30) They knocked on the front door which was physically on the side of the house and at approximately 3:35 A.M. defendant came to the door after a light went on in the bathroom which was right next to the front door. (T. p. 31) The detectives heard the toilet flush as the door was opened and as the door was opened, with the uniformed officer standing in plain sight, the other police officers made entry into the house. (T. p. 31) The defendant was served with a search warrant and was ordered to sit down. At the time a colored female by the name of Mary Nicholson was coming out of the bathroom. (T. p. 33) Detective B. D. Wood searched a bedroom which defendant told him was his bedroom, although he was not advised of his rights. (T. p. 37 and 38) The bedroom closet contained both male and female clothing, shaving articles and men's jewelry. (T. p. 38) In the upper left hand dresser drawer, Detective Wood recovered a small cardboard box. Inside this box was a quantity of money and a vial which contained seven gelatin capsules containing a white powder. The currency in the box amounted to over eighteen hundred dollars. Mr. Bowser counted out the money and it was given to him. He insisted that it was his money (T. p. 40) He stated that it was money that he and Mary Nicholson had received

from an automobile accident settlement. (T. p. 33) Detective Wood kept the box with its contents and turned them over to Mr. D. K. Cash, a chemist, for analysis. Both the defendant and the woman had been occupying this bedroom. (T. p. 40) Defendant denied ownership of the capsules. (T. p. 44) An analysis of the powder in the capsules proved to be cocaine. (T. p. 48) The defendant testified that Mary Nicholson was holding the money for him for safekeeping; that he had obtained this money as the result of a law suit. (T. p. 61 and 62) He denies that he had any knowledge of the capsules that were found with the money in the box, (T. p. 62) and stated that the box belonged to Mary Nicholson. (T. p. 61) He stated that they both owned the money because they had been in the accident together. (T. p. 66)

Your petitioner was convicted of possession of narcotics and sentenced by the Court of Hustings of the City of Portsmouth. Counsel for your petitioner moved the Court to set aside the verdict as being contrary to the law and evidence. Said motion was overruled. A writ of error was filed with the Supreme Court of Virginia and was denied without a full review.

REASONS FOR GRANTING THE WRIT

I

The Due Process Clause of the Constitution of the United States provides in part that "...nor shall any State deprive any person of life, liberty or property, without due process of law..."

The State of Virginia has provided that a person convicted of a criminal offense has a right to have his trial reviewed through a system known as a writ of error. In many instances, this form of review prevents a full review of the alleged errors committed during the course of the trial, and in the petition at hand, no review.

To conform to due process of law, petitioner is entitled to have the validity of his conviction appraised on consideration of the case as it was tried and as the issues were determined in the trial court. Cole vs. Arkansas, 333 US 196, p. 202

This brief cannot present an opinion as to why the writ of error filed by your petitioner was denied, as none was handed down. Mr. Bowser's brief and petition were reviewed by one of the seven justices of the Supreme Court of Virginia and it was his decision and his alone whether to grant or deny the writ. He chose, probably in his mind, with good reason, to deny the writ.

If the States are going to provide for a defendant to have a right to have a review of his trial and give him a means to accomplish this end, then they must do so in accordance with due process -- a full review. If your petitioner were convicted of a misdemeanor in a court not of record, he would have an absolute right to appeal his case to a court of record and have a hearing de novo.

In the situation at hand one jus-

tice decided the merits of his petition for review and it was on that decision that his Writ of Error was denied. Your petitioner received no opinion from the court other than the notice of the denial of his Writ. Since the writ of error is a creature derived from the common-law, it does not owe its origin to any statute; however, it is capable of being regulated by the State legislatures. It is literally considered to be a writ of right, but as it is practiced in Virginia, it could very well be called a writ of no-right. The practice in Virginia is unconstitutional. A man who is faced with losing his liberty has a right of full review before an appellate court within the state in which he is convicted. The system in Virginia is contrary to due process and is tantamount to the loss of liberty without a review by an appellate court.

In support of this line of thinking, the writ system, while not having been entirely abolished, is gradually being eliminated in the various jurisdictions of the United States. In many jurisdictions, the writ has been expressly abolished, while in others, the statutes providing for appeals have been construed to abolish by implication the right to a writ of error in cases in which an appeal may be taken. American Jurisprudence, Vol. 2, Appeal and Error, Sec. 6, p. 848.

The writ of error which was formerly the manner of review in the Federal Courts in law actions, has now been generally abolished and appeal substituted. The Federal Courts abolished the writ of

error and substituted the appeal on January 31, 1928 in 8 USCA, Sec. 861 a. Virginia is still practicing a procedure that was abolished in the Federal Courts over forty years ago.

Traditionally a writ of error was known as a writ of right, particularly in criminal proceedings. The only right that existed for Mr. Bowser was to file the writ and to ask for a review. He received no review. The Constitution for the State of Virginia, as has the Code of Virginia, 1950 amended, provides for a writ of error as a means of review. No mention is made on how to dispose of the writs. Virginia not having abolished the writ system nor providing for an intermediate court of appeals has given your petitioner a right of review. Offering the mode of review, it is incumbent upon the state to insure that due process is met and that not one individual is deprived of his liberty without having a higher court review his case and review it in full.

II

There is nothing so fundamental in the law of the United States as the requirement of careful scrutiny by the magistrate to see if there is reasonable cause for the issuance of a search warrant.

In the case at hand the detective typed up the affidavit for the search warrant and the search warrant in the Vice Squad office at the Portsmouth Police Headquarters and then took them downstairs to the Justice of the Peace to be executed (T. p. 117). The Justice

of the Peace read the documents and then asked the detective to raise his hand and swear to material contained therein. The documents were then executed. In the case at hand we have simply an affidavit pre-prepared by the officer and no real determination by the Justice of the Peace as contemplated by the Code of Virginia and the Constitution of the United States. This smacks of the old days when officers carried around signed affidavits and search warrants in blank so that they were ready to make a search whenever they so desired, and it is a dangerous precedent.

The Fourth Amendment of the Constitution of the United States demands that before the search warrant may issue that the offense must be particularly described and supported by evidence. The method used in this case merely made a rubber stamp of the Justice of the Peace and made him a pawn of the police officer who, in reality, was the sole judge of the probable cause for the search. Unless magistrates hold judicial hearings before the issuance of search warrants, the laws of this state and of the Constitution regarding search warrants become a mockery. The search of the home is a high handed procedure and this court should jealously see that all requirements for a search warrant are scrupulously met before a search of a home will be permitted.

In evaluating the constitutionality of a search warrant, the rule is that the informed and deliberate determination of magistrates empowered to issue warrants are to be preferred over the hurried actions of police officers who may happen to make arrests. All through the court reviewing the constitutionality of a search warrant

will place substantial deference to judicial determinations of probable cause, the court must still instist that the magistrate perform his neutral and detached function and not serve merely as a rubber stamp for the police. Aguilar vs. Texas, 378 US 108, 84 S.Ct. 1509

CONCLUSION

For the reasons heretofore stated, this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

Lester E. Schlitz

Lester E. Schlitz

CERTIFICATE OF SERVICE

I hereby certify that three printed copies of the Petition for a Writ of Certiorari in the case of Bernard Bowser vs. The Commonwealth of Virginia were deposited in the United States mails, first class, to Andrew P. Miller, Esq.; Attorney General; Office of the Attorney General; Richmond, Virginia, counsel of record for the Commonwealth of Virginia, on the 19th day of March, 1973.

Lester E. Schlitz

Lester E. Schlitz

IRGINIA: IN THE COURT OF HUSTINGS FOR THE CITY OF PORTSMOUTH

OMMONWEALTH OF VIRGINIA

VS #23675

ERNARD BOWSER, Defendant

T R A N S C R I P T

Following is a stenographic transcript of proceedings had on above-entitled cause, on the 23d day of June, 972, in The Court of Hustings for the ity of Portsmouth, Virginia, before the onorable Robert F. McMurran.

PRESENT: MICHAEL T. GOODE, ESQ.
Assistant Commonwealth's Attorney

LESTER E. SCHLITZ, ESQ.
Counsel for the Defendant

ported by Elizabeth P. Berry.

porter sworn.

(Portions of Transcript
P. 19 (entire) through
P. 29, line 21.)

Q I have the search warrant here just handed to me by the Clerk, Mr. McCargo, and I will show it to you, and ask you if you recognize it?

A Yes, sir, I do.

MR. SCHLITZ: If Your Honor please, I have a copy of it, so I will let the Court have it so you will know what I am referring to.

MR. SCHLITZ:

Q And I believe you have a copy of it, Mr. McCargo?

A That is correct.

Q Mr. McCargo, who typed up those documents?

A I did.

Q And where were they typed?

A In the Vice Squad office at police headquarters.

Q And that includes the affidavit which has an attachment to it?

A That is correct.

Q And it also includes the search warrant itself? You typed the search warrant up yourself, too, is that correct?

A That is correct.

Q Where did you type up these docu-

ments?

A At police headquarters in the Vice Squad office.

Q Was a Justice of the Peace present when you were typing these matters up?

A. No, sir, he was in his office downstairs.

Q And you typed up the whole business, is that correct?

A That is correct, sir.

Q And you took them downstairs for Mr. Doxey, who is the Justice of the Peace, to sign, is that correct?

A I took them down for him to look at, read, and then for me to answer whatever questions he had in regards to it.

Q. Would you tell us exactly what happened when you took them downstairs?

A I took them down to Mr. Doxey, who was the Justice of the Peace, on July 6, 1971, handed them to him, he read over them, he asked me to raise my right hand, which I did, and swear to the material contained therein, which I did.

In his presence I signed the affidavits, and then he signed the warrant and the affidavit, holding a copy for himself, returned the other copies to me.

Q Exactly what did he ask you in regards to the documents that you brought down to him that you made out?

A I don't recall his exact words, but as in the past as to what he has asked me, the questions -

Q I am not asking you about in the past. I am asking you about this particular instance.

A I do not recall.

Q Was anybody else present at the time you signed these papers?

A There were several other uniformed officers that were down in the area, but I asked everyone to leave the office while I discussed it with Mr. Doxey.

Q And do you know who those uniformed officers were?

A No, sir.

Q. Now, I notice that you, in the affidavit that you described the premises to be searched as - house, place, vehicle, or baggage to be searched was as follows: 2318 South Street.

A That is correct, Apartment #2.

Q But you did not have that in the affidavit, did you?

A Yes, sir, I did.

Q Where did you have it in the affidavit?

A On page #2 of the affidavit. Affidavit for search warrant for controlled drugs possessed in violation of the Drug Control Act of 1970. House to be searched is 2318 South Street, Apartment 2, the drugs

being heroin and cocain, capsules, and articles used to dilute drugs.

Q You had it there on the attachment, but you didn't have it on the other sheet, is that correct?

A Yes, sir. And then on the warrant itself.

Q I understand that, on the warrant itself.

Now, this warrant that you typed, you did the typing on that yourself, too, is that correct?

A That is correct, sir.

Q And you typed in there the 6th day of July, 1971, at 3:00 A.M. - did you type it in there?

A Yes, sir, I did.

Q Well, was it 3:00 A.M. when you typed it in there, or was it 3:00 A.M. when you went down and got the warrant? When you got Mr. Doxey to sign it?

A I believe it was 3:00 A.M. when I had him sign it.

Q Well, what did you do? You decided it would be 3:00 A.M., and typed it in, and then you waited?

A I typed it right around 3:00 A.M.

Q In other words, that 3:00 A.M. is an approximation, is that correct?

THE COURT: Where does that appear?

MR. SCHLITZ: That 3:00 A.M.? On the search warrant itself. "Given under my hand and seal, 6th day of July, 1971, at 3:00 A.M."

THE COURT: I see it.

MR. SCHLITZ:

Q Now you say it was almost 3:00 so you put 3:00 in there, is that correct?

A That is the last line on the search warrant. It was 3:00 o'clock. I put 3:00 o'clock, and went straight down to his office.

Q So it was sometime a little after 3:00 when he signed it, isn't that correct?

A That is correct.

Q All right, sir. Now, you used a form, did you not, for the search warrant? You had that up in the Detective Bureau, did you? Or Vice Squad?

A When you speak of a form?

Q The search warrant?

A The search warrant form itself?

Q Yes, sir?

A Yes, sir.

Q And it is printed in that form, is it not, that you search for narcotics?

A That is correct, sir.

Q Didn't say search for heroin or

cocaine? It just said search for narcotics, is that correct?

A That is correct, sir.

Q That was printed in there, and you used that form, did you not, at that time? You don't use that form any more, do you?

A No, sir.

Q You have a new form, but at that time you used that form, and anytime you had a narcotics search, you used that form, is that correct?

A That is correct, sir.

Q And it didn't make any difference if you were searching for marijuana, LSD, or heroin or cocaine, you still used that same form, isn't that correct?

A As to the search warrant itself, but it is spelled out in the affidavit.

Q I understand that, but the search warrant is addressed to any policeman in the city, and that is what you take, and that is what you served when you went to that house, isn't that correct?

A That is correct.

Q You only served the search warrant, and the search warrant authorized you to seize any narcotics that you might find, isn't that correct?

A That is correct, sir.

Q All right, sir.

MR. SCHLITZ: Your Honor, that is all the evidence I want to put on. I would like to be heard. Maybe the Commonwealth's Attorney might want to question.

MR. GOODE: I don't.

THE COURT: Let's go along.

MR. SCHLITZ: If Your Honor please, my objection is based, is 2-fold.

First, it is our contention that the obtaining of a search warrant is a judicial proceeding, that the magistrate who issues a search warrant is supposed to hold a hearing to decide whether or not there is probable cause.

He can't delegate it to somebody else to draw the search warrant. He can't substitute a different procedure for an actual hearing to determine whether or not probable cause existed, and it is our contention that it is highly improper, and smacks of rubber-stamping for a police officer to go in his privacy, to draw up the affidavit, to draw up everything necessary, even draw up the search warrant itself with everything showing, have his signature, and the officers, the magistrate's signature on it, and present it and come down to a different room and hand over these documents to be executed.

Now the officer has testified

here that he doesn't remember. Usually, he says. He says he knows what the practice generally was, but in this case he says he doesn't remember what the Justice of the Peace asked him at all.

All we know here is we do have before the Court an executed affidavit and a search warrant, but we, from the evidence we have here, we have no evidence that a judicial hearing took place to determine probable cause.

It is a very dangerous thing, Your Honor, and I don't believe that the courts would countenance for a minute the fact that police officers substitute themselves for the Justice of the Peace, draw up all the necessary documents, do everything, and the only remaining act for the Justice of the Peace to do is sign his name.

We are going back to the days almost when police officers carried around blank search warrants in their police cars with them, and only had to fill in the addresses because the Justice of the Peace had already signed them.

We are getting into a very dangerous situation when we allow search warrants to be issued in this manner.

The courts have said time and time again that the police officer cannot decide the probable cause.

It must be decided by an impartial justice sitting at a hearing, who hears the evidence.

It is supposed to be taken as evidence, just like you take in a court, the man to be put under oath and testify and subject to questions and examination by the magistrate, and the magistrate is not just a stepping stone in this thing.

A magistrate has got a job to do. He is supposed to do more than just take a sworn statement. He is supposed to make a judicial determination based on evidence before him, and in this case we have here a Justice of the Peace having an affidavit brought to him, and signing his name, and authorizing a search, and I say to Your Honor, it is highly improper, and dangerous.

It should not be permitted, and for that reason, I would move to suppress the evidence.

In addition to that, Your Honor, I don't have to tell Your Honor that our law does not countenance general searches, and it doesn't have to be a general search for anything.

A search warrant for stolen property - there are cases, numerous, that if you have a search warrant for stolen property and no more, don't say whose stolen property, what property, there are

many cases that say that that is not proper, and they will suppress the evidence found under that.

Now narcotics are no different. You can't give the officer a blank check if he says his informant told him that there was heroin in this place, or cocaine in this place. You can't give him a blank check to go into that place and search for any kind of narcotics he can find, and that is exactly what we have here in this instance.

We have a printed form. It wasn't even - they didn't even bother to write it in, is what it is. They used this form in every case involving drugs.

And a printed form that says you are authorized to go and search for narcotics is no more than a general search for whatever it might be.

It might be LSD, it might be barbiturates, anything they could happen to strike, they would be able to grab up under that warrant.

The affidavit, the fact that the affidavit specified a particular type of drug doesn't cure the situation because the affidavit is not served on the defendant when they go to his home.

They come in and they say we are here to search for such and such thing, and here's our authority, here's the search warrant.

Not only that. That search warrant can get into the hands of any police officer. It is directed to any police officer, and any police officer can get that search warrant. It doesn't have to show what is in the affidavit.

For those two reasons, Your Honor, (1) we didn't have a proper judicial determination for issuance of this search warrant, (2) because the search warrant is general in its nature, we move to suppress any evidence obtained thereby.

THE COURT: Well, I understood Mr. McCargo to say he typed up the affidavit and typed up the warrant and carried it to the Justice of the Peace, and the Justice of the Peace read it over, just as you would present an affidavit to someone. He read it over and then asked him to raise his hand and swear to it, and he did do so, and that he after swearing to it, he signed his name to it, and then the Justice Of the Peace signed his name to it and issued the warrant based on this affidavit.

He didn't present it. Now that is usual practice even in the law offices, Mr. Schlitz. Affidavits are brought in to you, and you swear the people and ask them if what is stated therein is true, and they swear to it, and you take their affidavit and sign it.

MR. SCHLITZ: If Your Honor please, I don't know that Detective McCargo said that. He says he knows the general procedure, but he didn't remember this particular time.

THE COURT: I understood him to say - if you want to read it back, I will be glad to read it back, but Lester, before you read it back, as to the second point, I think that this warrant is not a general search warrant when you say to search for narcotics. That is specific enough.

I overrule you on that point.

If you want to read back, go back to his statement about the issuance of the warrant.

THE REPORTER: "Q And you took them downstairs for Mr. Doxey, who is the Justice of the Peace, to sign, is that correct?

"A I took them down for him to look at, read, and then for me to answer whatever questions he had in regards to it.

"Q Would you tell us exactly what happened when you took them downstairs?

"A I took them down to Mr. Doxey, who was the Justice of the Peace, on July 6, 1971, handed them to him, he read over them, he asked me to raise my right hand, which I did, and swear to the material contained therein, which I did."

THE COURT: That is enough. I overrule your objection.

MR. SCHLITZ: Note our exception.

MR. GOODE: Judge, at this time, I would like to introduce the affidavit and search warrant into evidence.

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA
HELD AT THE SUPREME COURT BUILDING IN
THE CITY OF RICHMOND ON MONDAY, THE
29th DAY OF JANUARY, 1973.

BERNARD BOWSER,

Plaintiff in error

against Record No. R-14286

COMMONWEALTH OF VIRGINIA,

Defendant in error

ORDER STAYING EXECUTION OF JUDGMENT

Upon consideration of the application of the plaintiff in error, by counsel, praying for a stay of execution of the judgment rendered herein on December 19, 1972, in order that he may have reasonable time and opportunity to present to the Supreme Court of the United States a petition for a writ of certiorari to review the judgment of this court, it is now ordered that the execution and enforcement of the judgment of this court in the above-styled case rendered on December 19, 1972, be, and the same is hereby, stayed until the 19th day of March, 1973, on the expiration of which time the same may be enforced unless the case has been before that time docketed in the Supreme Court of the United States, in which event enforcement thereof shall be stayed until the final determination of the case by that court.

The above stay, however, is not to discharge the petitioner from custody, if in custody, or to release his bond if out

on bail.

/s/ H. G. Turner,
Clerk

VIR. SUPREME COURT OF VIRGI. .A I. AT THE SUPREME COURT BUILDING IN E CITY OF RICHMOND ON TUESDAY, THE 19TH DAY OF DECEMBER, 1972.

The petition of Bernard Bowser for a writ of error and supersedeas to a judgment rendered by the Court of Hustings for the City of Portsmouth on the 23rd day of June, 1972, in a prosecution by the Commonwealth against the said petitioner for a felony, having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of opinion that there is no reversible error in the judgment complained of, doth reject said petition and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said hustings court.

A copy,

Teste:

Howard G. Turner,
Clerk

BY: /S/ Shockley D. Garner

Deputy Clerk